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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,844	03/26/2004	Yefim Goldin	001220	2843
29569	7590	12/13/2007		
FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER JOSEPH, TONYA S	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/708,844	GOLDIN, YEFIM	
	Examiner	Art Unit	
	Tonya Joseph	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/26/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. A single claim which claims both an apparatus and the method steps of using the apparatus is rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. For Example, Claim 1 is directed to a system for combining and sending of invoices and the process of having a system which retrieves invoice information from a plurality of websites. Claim 2 further describes the process of the system printing invoices, while the claim is also purported toward a system claim.

4. Claims 3-17 contain the same deficiencies as claim 1 through dependency and as such, is rejected for the same reasons.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.
7. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 2 recites the limitation, "having the system print out combined invoices using a web browser" It is unclear how a web browser has the capability to print an invoice, as opposed to a printer. For Examination purposes, Examiner is interpreting a system which prints combined invoices that appear in a web browser as meeting the limitations of this claim.
9. Claim 5 recites the limitation "the user" in line 1. There is insufficient antecedent basis for this limitation in the claim.
10. Claims 3 and 13 recite past and future tense modifiers, ***will and would***. The use of this language promotes doubt as to whether the claim is functional or a recitation of intended use. For Examination purposes, Examiner is interpreting the claim to be a recitation of intended use.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-2, 4-5, 7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckman U.S. Pre-Grant Publication No. 2002/0143674 A1.

13. As per Claim 1, Beckman teaches having a web-based system which contacts and retrieves invoice information from a plurality of other websites (see para. 7 and para. 11).

14. As per Claim 2, Beckman teaches the system of claim 1 as described above. Beckman further teaches having the system print out combined invoices using a web browser (see para. 4 lines 13-15 and para. 8).

15. As per Claim 4, Beckman teaches the system of claim 1 as described above. Beckman further teaches uses the Internet (see para. 8 and Fig. 1).

16. As per Claim 5, Beckman teaches the system of claim 1 as described above. Beckman further teaches the user connects to the system using a computer (see para. 4 and 8).

17. As per Claim 7, Beckman teaches the system of claim 1 as described above. Beckman further teaches a plurality of users connect to said system (see para. 4).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman U.S. Pre-Grant Publication No. 2002/0143674 A1 in view of Nambiar et al. U.S. 2002/0128977 A1.

20. As per Claim 3, Beckman teaches the system of claim 1 as described above. Beckman does not explicitly teach the system taught by Nambiar the system would login to a plurality of websites, retrieve information and return said information back to said system (see para. 8). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Nambiar communicate account information to facilitate a transaction, as taught in Nambiar para. 8. **Examiner notes:** Although Nambiar teaches the aforementioned limitation, the recitation, the system *would* login to a plurality of websites, retrieve information and return said information back to said system is considered to be a statement of intended use and as such is afforded little patentable weight.

21. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman U.S. Pre-Grant Publication No. 2002/0143674 A1 in view of Official Notice.

22. As per Claim 6, Beckman teaches the system of claim 1 as described above. Beckman does not explicitly teach a user connects to the system using an ISP. Official Notice is taken that a user connecting to a system using an ISP is old and well known. It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Official Notice to allow a customer to access a system via the internet from a personal computer.

23. As per Claim 12, Beckman teaches the system of claim 1 as described above. Beckman does not explicitly teach said system produces a file in comma delimited format is merely a statement of intended use and as such is afforded little patentable weight. Official Notice is taken that files written in comma delimited format is old and well known in the art of computer programming. It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Official Notice to permit greater software application compatibility.

24. Claims 8-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman U.S. Pre-Grant Publication No. 2002/0143674 A1 in view of Virgin et al U.S. Patent No. 6,826,542 B1.

25. As per Claim 8, Beckman teaches the system of claim 7 as described above. Beckman does not explicitly teach the limitation taught by Virgin, users register on said system (see (see Col. 7 lines 45-54). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Virgin to allow an invoicer to participate in a centralized invoicing system.

26. As per Claim 9, Beckman in view of Virgin teaches the system of claim 8 as described above. Beckman does not explicitly teach the system taught by Virgin said users register on a registration web page (see Col. 6 lines 10-13 and Col. 7 lines 40-55). It would have been prima facie obvious to one of ordinary skill in the art at the time

of invention to modify the system of Beckman to include the teachings of Virgin to allow an invoicer to participate in a centralized invoicing system.

27. As per Claim 10, Beckman teaches the system of 7 as described above.

Beckman does not explicitly teach the system taught by Virgin said users selects a range of invoices to be processed (see Col. 11 lines 41-59 and Col. 12 lines 1-8). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Virgin to choose the appropriate payer to be invoiced, Virgin Col. 11 lines 46-55.

28. As per Claim 11, Beckman teaches the system of claim 7 as described above.

Beckman does not explicitly teach the system taught by Virgin said users can view said invoices (see (see Col. 11 lines 41-59). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Virgin to permit a user to edit and choose invoices.

29. As per Claim 13, Beckman teaches the system of claim 7 as described above.

Beckman does not explicitly teach the system taught by Virgin said system will retrieve name and address information (see Col. 16-34, Examiner is interpreting the stored invoicer information being retrieved and an invitation being sent to the invoicer by mail, as retrieving a name and address). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman to include the teachings of Virgin to invite invoicers to register with the system. **Examiner notes:** Although Virgin teaches the aforementioned limitation, the recitation, said

system *will* retrieve name and address information is considered to be a statement of intended use and as such is afforded little patentable weight.

30. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman U.S. Pre-Grant Publication No. 2002/0143674 A1 in view of Virgin et al U.S. Patent No. 6,826,542 B1 in further view of Lindoerfer et al U.S. Pre-Grant Publication No. 2002/0069096 B1.

31. As per Claim 14, Beckman teaches the system of claim 13 as described above. Beckman does not explicitly teach the system taught by Lindoerfer said information is used to print mailing labels (see para. 96 and para. 134). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman and Virgin to include the teachings of Lindoerfer to send invoice information by mail.

32. As per Claims 15-17, Beckman teaches the system of claim 13 as described above. Beckman does not explicitly teach the systems taught by Lindoerfer said system has a half automated method, automated and an automated and half automated method for printing labels (see para. 134). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Beckman and Virgin to include the teachings of Lindoerfer allow labels to be printed in batch format and non-batch format, as taught by Lindoerfer para. 134.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonya Joseph whose telephone number is 571-270-

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Art Unit: 3628

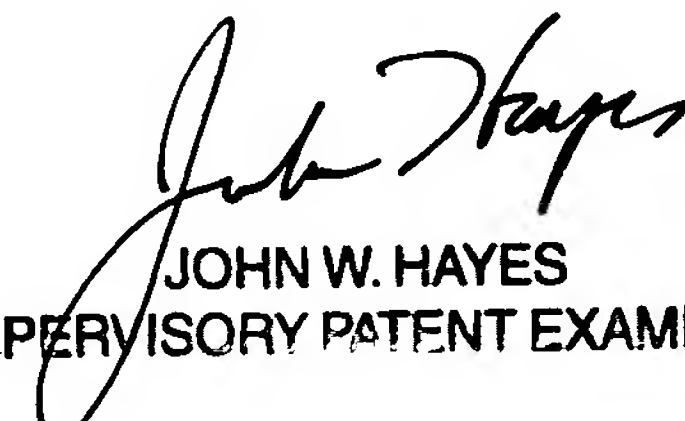
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1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph
Examiner
Art Unit 3628


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER